HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 404 of 2006 (SS)

Keshav Dutt Tiwari s/o Sri Hira Ballabh Tiwari
Village Alchona P.O. Chanfi, District Nainital .... Petitioner

Versus

1. State of Uttaranchal
2. Additional Chief Conservator of Forest
   South Kumaun Region, Uttaranchal
3. Divisional Forest Officer, Nainital
4. Forest Rang Officder, Bhawali Forest Range,
   Nainital
5. State of U.P. ..... Respondents

Sri Vinay Upadhyay, Advocate for the petitioner
Standing Counsel for the respondents.

Dated: 24.3.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Vinay Upadhyay counsel for the petitioner and Standing Counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to reinstate the petitioner in the Forest department.

Briefly stated the petitioner was initially engaged in the Forest Department as Lopping Guard on 25.7.1980 on leave vacancy. Further he was appointed as Mali on 2.5.1987. He further worked on leave vacancy on 1.8.87 for 62 days. On 18.5.97 he worked at Chandi Check Post till 30.6.97 thereafter

he worked at Sarana Beat compartment no.1 in the months of July, August & September 1997..

Petitioner has submitted that he preferred a representation to the Divisional Forest Officer, Nainital on 19.9.1997 for regularization of his service in the Department. Thereafter he again made representations on 20.3.2000 and 3.1.2006 but no heed has been paid to the request of the petitioners by the authorities of the department.

The petitioner has submitted that a writ petition was filed by 298 workers including the petitioner before the Allahabad High Court being writ petition No.33062 of 1995 (SS) in which on 15.5.1999 the following interim order has been passed.

"Learned Standing Counsel has accepted notice for respondent no. 1 to 3. He prays and is granted four weeks time, to file counter affidavit, petitioner will have two week thereafter to file rejoinder affidavit. List this petition after expiry of the aforesaid period along with writ petition No. 5427 of 1999 and writ petition no. 14792 of 1999. Meanwhile petitioner shall be paid minimum scale of salary which is being paid to the regularly appointed class IV employees."

The petitioner has alleged that he was expelled from the service without any fault instead of giving him minimum salary. The petitioner has submitted that he is poor person and has no source of earning his livelihood.

From the facts narrated in the writ petition it appears that the petitioner was working in the Forest Department for a considerably long period either on leave vacancy or on daily wages but his case was not considered by the authorities for regularization.

In view of above, a writ of mandamus is issued directing the respondents to consider the case of the petitioner for providing him employment considering the long experience of the petitioner in the Forest Department.

Subject to above observations, the writ petition is disposed of. No order as to costs.

Dated: 24.3.2006 **Rajesh Tandon, J.**

*Dhyani